

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JUDE ROMERO,

Plaintiff,

vs.

Cause No. 1:10-cv-1157 RB/DJS

WAL-MART STORES, INC.

Defendant.

ORDER

THIS MATTER is before the Court on the parties' *Stipulated Motion to Extend Deadlines* [Doc. 20], filed June 13, 2011. For the reasons stated below, the motion is **DENIED**.

The Court entered a Scheduling Order on February 15, 2011, allowing over five months for discovery. [Doc. 13.] The parties seek to extend the various Scheduling Order deadlines between three and five months, with the deadline for the pretrial order extended to March 13, 2012. Trial in this matter is set to begin April 2, 2012, and pretrial conferences with the District Judge are set for January and March 2012. [Docs. 17, 18, 19.]

Scheduling orders may be modified only for good cause. Fed.R.Civ.P. 16(b)(4). To establish "good cause" the party seeking to extend the deadlines must establish the scheduling order's deadlines can not be met despite the party's diligence. *Denmon v. Runyon*, 151 F.R.D. 404, 407 (D. Kan. 1993); Fed.R.Civ.P. 16 advisory committee's note ("[T]he court may modify the schedule on a showing of good cause if it cannot reasonably be met despite the diligence of the party seeking the extension.").

The Motion recites that the parties stipulate to the request, but does not state good cause for the requested amendments which would extend the case management deadlines up to the eve of trial. The Court previously determined a Standard Track scheduling order was sufficient. [Doc. 12.] The

parties have not shown the complexity of this case warrants nearly nine months for discovery. Furthermore, the docket does not reflect that the parties have been diligent in conducting discovery. Since the scheduling conference on February 15, 2011, it appears only one set of written discovery has been propounded and no depositions have been noticed.

IT IS SO ORDERED.



DON J. SVET
United States Magistrate Judge